

Dear Mark,

10/22/84

When I read the enclosed review in the current *Judicature* I was reminded that you'd asked me how it was in New Deal days.

Some years ago I was of some help to Irons. I remember him as a careful man who researched thoroughly, so I presume, aside from the review, that it is a good book.

Westbrook mentioned Jerome Frank. Like many of the New Deal lawyers he became a Judge, I think second circuit had a good judge. He joined Pat Jackson and me for supper back in the '30s once when we were dining in a French restaurant that then was opposite the Mayflower.

In a good sense many of the young lawyers who flocked to Washington with FDR were activists, in the sense that they believed and wanted to help do good things. Some were opportunists, and I knew a number of them in NRA.

Some were political appointees, as patronage and as deserving, and some would argue anything to achieve an objective. I remember the struggle I had with Brien McMahon down in Kentucky when he wanted to argue that the Congress could override the constitution by granting a greater right. I got two Labor Board regional directors to come down and argue the law with Brien, later father of the atomic energy act. And one of those two later turned out to be a fink. He killed himself when we were both patients at Walter Reed during World War II.

One, a very decent man whom I knew him, Gerry Van Arkel, just died. He was on loan to our committee from the NLRB. (As was Abe Fortas' widow who, like my wife, wore ugly lisie hose to resist Japanese aggression.) Carolyn Agger maiden name?

Some, like Tom Emerson, remained good people and good lawyers, principled.

With the passing of time the quality of appointments to higher office deteriorated, and some went to jail. It began before Truman became President.

When I was sent to see Archie Cox when he was in DJ I found him rather unimaginative.

Those I worked with in Justice, of whom I believe I mentioned Thirman Arnold and Joe Borkin, were truly fine. As were some who were conservative.

Ed Pritchard, who'd clerked for Frankfurter and whose ass I saw once on the ~~exit~~ committee when he was lost, went to jail in his native Kentucky for election crime of some sort. Very bright guy.

It was a great time, for all the many problems! Especially for young people.

If you'd ever like to trigger my recollections, come up some time.

One of your associates at CNS is interested in Nicaragua of the present. If there is any historical interest, State should by now have disclosed a record that passed through my hands when I was receiving captured Italian foreign office records. The ~~found~~ Samoza called the Italian ambassador in and asked if he'd ask Il Duce to please take the time and write him how he did it the Italian way, so he could emulate it. The ambassador wrote Musso a short letter about it. I saw no response, but I also did not see most of the records. I saw some German records, too, if you ever known anyone who has such interests.

If you ever known anyone, lawyer or other, who'd like to make a study of and do a book on one of the most decent and principled, Clifford Durr's career would be a superior case. He refused Truman's reappointment to the FCC over Truman's so-called loyalty program. His wife, Virginia, as I recall, was Hugo Black's sister-in-law and I spent much time with her. At the memorial service for him she told me that I'd educated her and ~~made~~ a subversive of her, meaning as reactionaries see subversion.

That service was the last time I saw Abe Fortas. Or Jessica Mitford, who had lived with the Durs and married another young New Deal lawyer, Bob Truchart. He was my lawyer when I appeared before a secret session of the House Patents committee, where then Congressman Hugh Scott was a real copout in what he mistakenly presumed was Walter Annenberg's interest. It was over my completely accurate exposé of a Philadelphia Nazi front, Röhm & Haas, which was vested after my exposé. And of all people and firms, this Nazi front was represented by Brian McMahon's firm, another young New Deal, or I should say "former," who'd been in Kentucky with Brian, present at the hearing. Truchart had nothing to say to help me because it wasn't necessary. Two other young lawyers, both Congressman and one a good friend, John Coffee, did all that was necessary. The other, named Connery, was the brother of the House sponsor of the Wagner (NLRB) Act referred to in the review. That Connery then became my friend. He liked my work and my standing up to the committee chairman, a native Nazi named Charles Kramer from California. Also a dundum.

This reminds me as I reminisce, of a record turned up many years ago by a doctoral candidate I was helping. As he went over United Mine Workers' records he found a Pat Jackson memo reporting that I'd prepared the defense of the Wagner-Connery Act before the Senate. I recall meeting Kyscerling then, and his wife, Mary Dublin, active in consumer affairs, but I have no recollection at all of doing the work Pat referred to. That, too, was the New Deal, almost anybody pitching in to do almost anything that was necessary.

Cliff Durr went back to Alabama to practise civil rights law before it had that name. He was, I think, Rosa Parks' lawyer. Last time I saw him was leaving a before-Pearl Harbor peace meeting. I don't recall whether this was one to which I drove Paul Robeson. No, it wasn't. (The FBI was then taking license numbers but it never produced any such records in response to my requests. Peace was subversive, too.)

Virginia Durr wanted me to run the anti-poll tax committee she started but I decided instead to do the anti-Nazi exposés I did. She was a great gal.

I hope Irons was able to go into the character and personalities of some of those mostly young lawyers. It would be good for young lawyers to know.

What was found by that backward Supreme Court to be unconstitutional, and might be regarded that way today, saved the country. NRA required a minimum wage, I think about \$14 a week. Imagine that! AAA saved hundreds of thousands and farmers and farms. My first job in Washington was in AAA. And to give you an idea of what it was then like for blacks, a ~~white~~ black PhD named Taylor was the guard at the building in which I worked. I got \$1440 a year, he got \$1260. AAA also had the Old Post Office bldg at 12 and Penna. It had a glass roof over the hollow center and was an incubator in hot weather. That is where AAA had an extremely noisy cardjunching operation and that is where black women could get clerical jobs. There may have been better ones but I do not recall any. One of Jack Dempsey's sparring partners worked with me in that building. And when I refused a Community Chest checkoff from my \$30 a week, of which I was sending \$20 a week home, I got laid off! Some of us men spent a fair amount of time responding to screams from the women when the multitudinous bats flew into their offices. ...They were some days!

Best wishes,